III.   Remarks

A.   Claim Rejection Under §102(e)

The Action rejects claims 10-17, 27-34, 38-39 and 41-42 as being anticipated by U.S. Published Application No. 2005/0208995 to Marshall et al. (Marshall). Reconsideration of this rejection is respectfully requested in view of the foregoing amendments and following arguments.

Independent claim 10 recites that the graphical user interface screen includes a "first set of a plurality of selectable graphical identifiers each associated with a respective entrants in said first race" whereby the request from the user to display the reconfigured table is received.

Independent claim 10 also recites that the graphical user interface screen includes a "second set of a plurality of selectable graphical identifiers each associated with a respective combination of entrants for said exotic wager type." Selection of an individual selectable graphical identifier from the second set of selectable graphical identifiers initiates placement of a wager on the respective combination of entrants associated with the selected individual selectable graphical identifier.

Independent claim 10 has been amended to recite that "said first and second sets are displayed together in said graphical user interface screen for selection by said user." Support for this amendment can be found in, for example, FIGS. 4 and 4A and the accompanying description thereof. As set forth in amended claim 10, the user can cause the display of probable payout information for different combinations of entrants and without switching graphical user interface screens, the user can select a single (i.e., individual) identifier associated with a desired combination of entrants to initiate a wager on the selected combination of entrants.

The improved efficiency of the method is of particular benefit to skilled wagerers who need to be able to find and analyze probable payout information quickly. These skilled wagerers often wait until the wagering period draws to a close (i.e., when the probable payouts are most accurate) to place their wagers. The combination of (a) allowing initiation of a wager on a

combination of entrants by selecting an individual selectable graphical identifier associated with the selected combination from a number of different identifiers (associated with different combinations) (as recited in claim 10 prior to amendment) with (b) displaying the first and second sets of graphical identifiers <u>together for selection by the user</u> in the same graphical user interface screen (as recited in currently amended claim 10) provides the skilled wagerer with a powerful tool for obtaining payout information on exotic wager types and for quickly and easily (i.e., with a single selection associated with a desired combination) initiating a wager on the selected combination of entrants all without the need to navigate to another graphical user interface screen.   It is submitted that Marshall does not teach this combination of features.

FIGS. 58-60 illustrate Marshall's methods of displaying payout information for the exacta wager and of placing a wager. The probable payout information is displayed in a payout window 5810 in response to the selection 5805 (FIG. 58). Initiation of the wager is made through the "Exacta Will Pay" tab of the interface. In order to initiate placement of an exacta wager on, for example, a 3/13 combination, the user first selects an indicator associated with the first entrant (as shown by the highlight of "3 Ashore" in FIG. 59) and then selects an indicator associated with the second horse (as shown by the bolded outline of "13 My Guy Jase" in FIG. 59). (Par. 114). Selection of this combination of indicators then causes display of the interface of FIG. 60, from which the user can select a bet on the selected entrants (e.g., boxed, 3-13, 13-3).

The method as illustrated in FIGS. 58-60 does not allow initiation of a wager on a combination of entrants by selecting an individual selectable graphical identifier from the second set of identifiers where first and second sets of graphical identifiers <u>together for selection by the user</u> in the same graphical user interface screen. As discussed above, multiple selections must be made to select a combination of horses on which to wager (See FIGS. 58-59). Therefore, FIGS. 58-59 do not teach the recited second set of graphical identifiers. Accordingly, the Examiner cites to the interface of FIG. 60 for this feature, i.e., selection of an individual graphical identifier associated with a selected combination for placing a wager. However, the selectable identifiers identified by the Examiner in window 6002 of FIG. 60 are <u>not</u> displayed <u>together for selection by</u>

the user with the recited first set of graphical identifiers identified by the Examiner (FIGS. 58-59).

Therefore, it is submitted that independent Claim 10 is not anticipated by and is allowable over Marshall.

Claims 11-17 depend from claim 10 and are, therefore, also not anticipated by Marshall for at least the reasons set forth above.

Claim 38 depends from claim 10 and recites that the table and reconfigured table display probable payout information for at least two wager types selected from the group consisting of a quiniela wager, an exacta wager and a daily double wager. It is submitted that the Examiner concedes on Page 5 of the Action that Marshall does not teach displaying initial or reconfigured payouts of at least two wager types in one table. For this additional reason, it is submitted that claim 38 is not anticipated by Marshall.

Amended independent claim 27 recites features that parallel those of independent claim 10. It is submitted, therefore, that claim 27 and claims 28-34 and 41-42, which depend from claim 27, are allowable for at least the reasons set forth above in connection with claim 10.

Claim 41 depends from claim 10 and recites that the table and reconfigured table display probable payout information for at least two wager types. For at least the reasons set forth above in connection with claim 38, it is submitted that claim 41 is not anticipated by Marshall.

B.   Claim Rejection Under §103(a)

1.   Claims 40 and 43

The Action rejects claims 40 and 43 as being obvious from Marshall. These claims recites that the "selectable graphical identifiers from said second set of selectable graphical identifiers are selectable probable payout monetary values." Claims 40 and 43 have been amended to recite further that these selectable probable payout monetary values are displayed in the table and reconfigured table. Per claims 10 and 27, the wagerer can quickly and easily

navigate large amounts of probable payout information for various combinations using the first set of graphical identifiers, and then quickly initiate a wager by selecting one of the identifiers from the second set of graphical identifiers corresponding to a desired combination and displayed together with the first set of graphical identifiers. Per claims 40 and 43, the probable payout information itself serves as the second selectable identifiers and presents a highly intuitive manner of initiating a wager. The wagerer can focus on a particular payout for a combination that he or she finds desirable and then simply "click" (or otherwise select) that payout to initiate the wager. There is no need for a separate set of graphical identifiers to be displayed outside of the matrix portion of the table of probable payout information. This greatly simplifies the user interface, facilitates easy wagering initiation, and facilitates quick decision making by both skilled and unskilled wagerers. As explained above, skilled wagerers in particular tend to wait until the very last moment, when probable payouts are most accurate, to initiate wagering. Systems such as Marshall that require multiple selections in order to initiate wagering force the skilled wager to initiate the wagers earlier than desired. This problem is overcome with the method/system of claims 40/43 as discussed above.

Applicant submits that these features provide advantages over the method of Marshall, as illustrated in FIG. 60. Further, it is submitted that there is no suggestion in Marshall or the art generally to provide a combined probable payout information/wagering interface as claimed. Indeed, Marshall teaches away from such an interface in so much as it requires multiple screens to display reconfigurable probable payout information and initiate wagering as illustrated in FIGS. 58-60.

For these additional reasons, it is submitted that claims 40 and 43 are independently allowable over Marshall.

Reconsideration and withdrawal of the rejection of these claims are respectfully requested.

2.   Claims 44-55

The Action rejects claims 44-55 as being obvious from Marshall in view of U.S. Patent No. 6,358,150 to Mir et al. (Mir). The Examiner concludes that Marshall teaches each feature of independent claims 44 and 50 but "excludes displaying initial or reconfigured payouts of at least two wager types on one table or display." The Examiner cites to Mir, FIGS. 3-6, and argues that it would have been obvious to modify Marshall in view of Mir to display payouts for various wager types at one time in order to encourage wagering.

FIG. 3 of Mir is displayed to the user only after the user has "pressed the 'Bet' button to commit a 25 cent wager, and has selected a horse to finish first." (Column 7, Lines 5-7). As shown in FIGS. 3 and 4, payouts for various bet selections are shown under "Current Pools".[1] As Mir does not show payouts until a bet has already been initiated, Mir clearly does not teach or suggest displaying probable payouts for multiple exotic wager types for all possible combinations of entrants. It follows that Mir, which essentially only teaches that there are multiple wager types that exist upon which a user can wager, and therefore does not suggest to one of ordinary skill to modify Marshall to display probable payout information for multiple wager types in the same table and reconfigured table.

There is also no likelihood of success that the combination of Mir and Marshall would provide Applicant's claimed interface screens having the recited tables. As set forth above, Mir displays payout information only after a wager has been initiated and thus does not display the payout information for all possible combinations. This is clearly shown in the "current pool" portion of FIGS. 3 and 4 of Mir. Marshall displays probable payouts in window 5810 of FIGS. 58-60. However, neither Mir nor Marshall provides any guidance on how to modify the table/display of window 5810 to display probable payout information for a second, third, etc. exotic wager types. Marshall also displays probable payout information in the matrix 6102 of FIG. 61, but there is no teaching or suggestion in Mir or Marshall on how such a matrix could be modified to accommodate multiple wagering types.

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[1] The display of FIGS. 5-6 are only displayed after the bet has been completed and a recording of the race (an archived past racing event) has started playing.

For at least these reasons, it is submitted that claims 44 and 50 are not obvious from the cited combination and are allowable thereover. Claims 45-49 and 51-55 depend from independent claims 44 and 50, respectively, and are, therefore, also not obvious form and are allowable over cited combination.

Reconsideration and withdrawal of the rejection of claim 44-55 are respectfully requested.
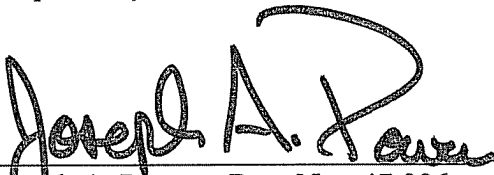
IV.   Conclusion

In view of the foregoing remarks and amendments, Applicant submits that this application is in condition for allowance at an early date, which action is earnestly solicited.

The Commissioner for Patents is hereby authorized to charge any additional fees or credit any excess payment that may be associated with this communication to deposit account **04-1679**.

Respectfully submitted,

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